



## COUNTY OF IMPERIAL

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# PUBLIC HEALTH DEPARTMENT

ROBIN HODGKIN, M.P.A.  
*Director*

STEPHEN W. MUNDAY, M.D., M.P.H.  
*Health Officer*

CERTIFIED MAIL # 7011 2970 0000 0769 1637

August 19, 2016

Michael Kemp  
Imperial Irrigation District  
P.O. Box 937  
Imperial, CA 92251

**Penalty Citation for the Imperial Irrigation District -  
North End Facility Water System (1300652)  
CITATION NO. 05-43-16C-006**

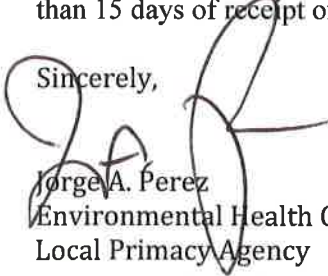
The Imperial County Environmental Health, Local Primacy Agency (LPA) is issuing to you the attached citation for failure to submit the 2<sup>nd</sup> quarter 2016 disinfection by-products sample for your public water system within the required timeframes, as required by Section 64534.2 of Title 22, California Code of Regulations. The LPA received the sample results, but they were submitted after the 10<sup>th</sup> of the month following the sampling event.

A stipulated penalty citation amount of **One Hundred Dollars (\$100) is now due in full amount** and must be paid within fifteen (15) days of the receipt of the attached citation. In addition to the full payment amount, the citation form must be filled out, signed and returned in order to fully execute the stipulation agreement.

If you decide not to stipulate to the alleged violations, a formal citation order will be issued and may carry a penalty assessment of up to \$1,000 per day for each day that a violation occurred. In addition to the imposed penalty, the water system will also be liable for the time and materials used in the preparation of the citation order, which will be billed at the Department's fully burdened rate of \$137 per hour.

The LPA has the authority to issue you the attached citation pursuant to Sections 116650 and 116725(b) of the California Health and Safety Code. If you have any questions about this citation, or if you would like to meet with our office to discuss the stipulated penalty offer by the Local Primacy Agency, please contact us no later than 15 days of receipt of the citation. We may be contacted at 442-265-1888.

Sincerely,

  
Jorge A. Perez  
Environmental Health Compliance Specialist III  
Local Primacy Agency

Encl: Stipulated Penalty Citation No. 05-43-16C-006

Division of Environmental Health, 797 Main Street, Suite B, El Centro CA 92243  
Phone: 442-265-1888 | Fax: 442-265-1903 | icphd.org

**IMPERIAL COUNTY ENVIRONMENTAL HEALTH  
LOCAL PRIMACY AGENCY**

**CALIFORNIA SAFE DRINKING WATER ACT VIOLATION  
STIPULATED PENALTY CITATION  
(YOU MUST SIGN AND RETURN IF YOU ACCEPT THIS STIPULATION)**

Complainant, the Imperial County Local Primacy Agency (LPA) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

**LPA CITATION NUMBER: 05-43-16C-006**

RESPONDENT: Imperial Irrigation District – North End Facility  
5364 Hovley Road  
Brawley, CA 92227

**HEALTH & SAFETY (HSC) SECTION VIOLATED: N/A**

**TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: §64534.2**

**DESCRIPTION OF VIOLATION:**

As of August 10, 2016, IID North End Facility Water System failed to submit quarterly disinfection by-product sample results for the 2<sup>nd</sup> quarter of 2016 from the distribution system in accordance with the approved Monitoring Plan. This is a violation of §64534.2.

Pursuant to §64534.2, the water supplier shall monitor for TTHM and HAA5 at the frequencies and locations indicated in Table 64534.2-A. If a sample exceeds the MCL, the system shall increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection. Notice that the disinfection by-product sample exceeded the MCL was provided to you on March 24, 2015.

**DATE(S) OF VIOLATION:** April 1-June 30, 2016

**DIRECTIVE(S):**

The Water System is hereby directed to comply with §64534.2, Title 22, CCR in all future monitoring periods, and to submit quarterly disinfection by-product results for all required samples collected in the calendar month to the LPA no later than the tenth day of the following month.

**STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE**

**TOTAL MONETARY PENALTY: \$100**

**NUMBER OF COUNTS: 1**

**FURTHER STATEMENT BY RESPONDENT(S)**

I acknowledge that the violation(s) of the Health and Safety Code and/or Title 22, California Code of Regulations (CCR) described above and on Exhibit 1 attached (if applicable), have occurred and request that the Imperial County Local Primacy Agency resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the following page and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order payable to the Imperial County Division of Environmental Health in the amount of the penalty described above. I understand that if there are insufficient funds when the check is deposited, the LPA has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed. I further acknowledge that the enforcement fee billed at a rate of \$137 per hour for preparation of this Stipulated Penalty Citation will be paid in full at the next quarterly billing cycle for this public water system.

**IMPERIAL COUNTY ENVIRONMENTAL HEALTH  
LOCAL PRIMACY AGENCY**

RESPONDENT has freely and voluntarily agreed to this Citation Stipulation (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained here, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulated Penalty Citation is the date that the Deputy Director of Environmental Health signs it.

Dated: 9/29/2016

Signature: 

Printed Name: Gilbert Caldera

Job Title: Supt Facilities Mgmt

Name and Address of Water System: Imperial Irrigation District - North end Facility  
5364 Hovley Rd., Brawley, CA

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**For Imperial County Environmental Health Use Only**

**STATEMENT BY DEPUTY DIRECTOR:**

The foregoing stipulation has been adopted by the Imperial County Local Primacy Agency as its final decision and order and is effective upon execution below by the Deputy Director of the Imperial County Division of Environmental Health.

**IT IS SO ORDERED:**

Dated: 10/6/16

  
Jeff Lamoure, Deputy Director  
Imperial County Division of Environmental Health  
Local Primacy Agency

## DECLARATION OF SERVICE BY U.S. MAIL

STATE OF CALIFORNIA  
COUNTY OF IMPERIAL

IN THE MATTER OF:  
CITATION NO. 15-43-16C-006

I, the undersigned, declare:

I am an employee in the County of Imperial, State of California; I am over the age of eighteen years; I am not a party to the above-entitled matter; and my business address is the Imperial County Division of Environmental Health, 797 W. Main Street in El Centro, CA 92243.

On August 19, 2016, I served the following documents:

**CITATION NO. 15-43-16C-006**

by placing the documents in a sealed envelope, first class postage prepaid, with certified mail, return receipt requested, and deposited the document to be delivered by U.S. mail to the following address:

Imperial Irrigation District –  
North End Facility  
P.O. Box 937  
Imperial, CA 92251

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Dated and executed on the 22<sup>nd</sup> day of August 2016, at El Centro, California.

Jorge A. Perez